IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No. 2513 of 2004
In
SPECIAL CIVIL APPLICATION No. 15498 of 2003

For Approval and Signature:

HONOURABLE MR.JUSTICE B.J.SHETHNA
HONOURABLE MR.JUSTICE M.C.PATEL

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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MANAGER - Appellant(s)

Versus

QURESHI MOHAMMEDMIYA MIRASABMIYA - Respondent(s)

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Appearance :
MR IA PATEL for Appellant(s) : 1,
MR NR SHAHANI for Respondent(s) : 1,
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CORAM : HONOURABLE MR.JUSTICE B.J.SHETHNA
and
HONOURABLE MR.JUSTICE M.C.PATEL

Date : 17/02/2006

ORAL JUDGMENT
(Per : HONOURABLE MR.JUSTICE B.J.SHETHNA)

Heard the learned counsel for the parties Shri Patel for the appellant and Shri Shahani for the respondent –

workman.

2. It was agreed by the learned counsel for the parties that the impugned order of reinstatement of the respondent – workman passed by the Labour Court with full back wages which is confirmed by the learned Single Judge in the writ petition be modified on the statement made at the bar by the learned counsel for the appellant that instead of full back wages for full and final settlement of the claim between the parties, the appellant shall pay in all Rs.75,000/- to the respondent – workman within one month from today by way of Account Payee cheque in the name of the respondent – workman.

3. Accordingly, this appeal is allowed to the aforesaid extent only by ordering that the appellant shall pay Rs.75,000/- (Rupees Seventy-five thousand only) towards back wages to the respondent – workman instead of full back wages ordered by the Labour Court which is confirmed by the learned Single Judge in the writ petition. Rest of the order passed by the Labour Court of reinstatement and granting of consequential benefits of service including leave benefits to the respondent – workman is hereby confirmed.

4. It is made clear that if Rs.75,000/- is not paid within one month from today, then the original award passed by the Labour Court regarding full back wages will stand restored.

(B.J. Shethna, J.)

(M.C. Patel, J.)

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